

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARLYN HARRIS MOORE and)
DARLYN HARRIS MOORE, as Mother)
and Next Friend of B.J.H., a minor,)

Case No. 4:19 CV 1956 RWS

Plaintiffs,)

vs.)

UNITED STATES OF AMERICA,)
ET AL.)

Defendants.)

PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT WITH DEFENDANT
UNITED STATES OF AMERICA

Comes now Darlyn Harris Moore and Darlyn Harris Moore as mother and next friend of B.J.H, by and through their attorney Finney Law Office, LLC, and submit the following Plaintiff's Motion to Enforce Settlement with Defendant United States of America. In support thereof, the Plaintiffs would respectfully show unto the Court the following:

1. On or about June 23, 2021, all parties agreed to a settlement.
2. The settlement between Plaintiffs and Defendant was approved by the Court on July 15, 2021. See 7/15/2021, Document #50, Order Approving Plaintiff's Petition to Approve Settlement of Minor.

3. Plaintiffs and Defendant USA have executed all settlement documents and Revisionary Trust documents for minor B.J.H.

4. As of this date, Defendant United States of America has not satisfied the terms of the Court's order of settlement. They have not paid into the Revisionary Trust nor to Plaintiff Darlyn Harris, nor to Plaintiffs' Attorneys.

5. Despite inquiries, the U.S. Attorney's Office is unable to confirm when the settlement monies will be paid by the Department of Health and Human Services stating via email dated August 4, 2021 that *they cannot provide a date certain or even an estimate.*

6. The government would reap a substantial benefit if minor B.J.H. dies before the government satisfied the terms of the settlement, in that the government's obligation is extinguished if BJH dies before the funding of the settlement.

7. Due to the government's failure to pay, minor plaintiff B.J.H.'s health will be severely. B.J.H. requires daily medication, tube feedings and attention by therapists and other healthcare providers in order to keep him alive. Furthermore, the current healthcare coverage does not provide any assistance to B.J.H.'s mother.

8. There is no good faith reason to delay payment of the settlement monies, because all of the necessary authorizations from Plaintiff were presented to the government by July 16, 2021.

WHEREFORE, Plaintiffs' request that this Court grant Plaintiffs' Motion to Enforce Settlement with Defendant United States of America. Plaintiffs further request that this Court order Defendant United States of America to pay its settlement monies which were delineated at the hearing of Plaintiffs' Petition to Approve Settlement of Minor forthwith.

/s/Daniel Finney, Jr.
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon attorneys of records Via the Court's ECF system this 16th day of August 2021.

/s/ Daniel P. Finney, Jr.